



Entered on Docket  
October 18, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Third Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The Universal Hawaii Loan, Except For  
Amounts Designated As "Unremitted  
Principal"**

Hearing Date: September 30, 2011  
Hearing Time: 9:30 a.m.

The Court having considered the "Third Omnibus Objection of USACM Trust to Proofs of Claim Based In Part Upon Investment In The Universal Hawaii Loan; Except for amounts Designated as "Unremitted Principal" ("Universal Hawaii Loan") [DE 8815] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate

1 notice of the Objection having been given; no response to the Objection having been filed;  
2 and good cause appearing:

3 **IT IS ORDERED:**

- 4 1. The Objection [DE 8815] is sustained;
- 5 2. The claims listed on **Exhibit A** attached are allowed to the extent those  
6 claims are consistent with the scheduled unremitted principal claims related to the  
7 Universal Hawaii Loan as set forth in **Exhibit A** attached; and
- 8 3. The portion of those claims listed on **Exhibit A** are disallowed to the extent  
9 those claims are in excess of the scheduled unremitted principal claim amount for the  
10 Universal Hawaii Loan. If the amount of the scheduled claim exceeds the amount of the  
11 allowed claim shown on **Exhibit A**, then the Trust will use the higher amount of the  
12 scheduled claim to calculate future distributions to creditors based upon unremitted  
13 principal associated with the Universal Hawaii Loan.

14  
15  
16 PREPARED AND RESPECTFULLY SUBMITTED BY:

17 **LEWIS AND ROCA LLP**

18  
19 By /s/ John Hinderaker (AZ #018024)

20 Robert M. Charles, Jr.

21 John Hinderaker (*pro hac vice*)

22 3993 Howard Hughes Parkway, Ste. 600

23 Las Vegas, Nevada 89169-5996

24 Telephone: (702) 949-8320

25 Facsimile: (702) 949-8321

26 *Attorneys for USACM Liquidating Trust*

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

## USACM Trust

## Universal Hawaii

## Multiple Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Total Claim Amount Relating to Universal Hawaii Loan	Unremitted Principal to be Allowed as Claim Relating to the Universal Hawaii Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Universal Hawaii Loan
10725-01903	1/9/2007	AIG Limited A Nevada Limited Partnership	9904 Villa Granito Ln Granite Bay, CA 95746-6481	813,297.52	29,522.36	28,932.58	589.78
10725-01952	1/10/2007	Zerbo, Anthony J	780 Saratoga Ave Apt S-107 San Jose, CA 95129	1,757,710.50	29,522.36	28,932.58	589.78
10725-01960	1/10/2007	Souza Jt Ten, David A & Elizabeth M	542 Socorro Ct Reno, NV 89511	1,031,654.42	100,000.00	-	100,000.00
10725-01971	1/10/2007	Goode, James Paul	92-1500 Makakilo Drive Kapolei, HI 96707	1,417,522.98	29,522.36	28,930.01	592.35
10725-01992	1/10/2007	Luongo Hw Jt Ten, John M & Gloria	Wros Payable On Death To Stephanie Luongo 965 Leah Cir Reno, NV 89511	306,747.34	29,522.36	28,932.58	589.78
10725-02003	1/10/2007	Harrison Family Trust Dtd 7/27/99	Thomas B & Marguerite F Harrison Ttees 930 Dorcey Dr Incline Village, NV 89451	730,819.70	41,331.30	40,505.61	825.69
10725-02030	1/11/2007	Daniel D Newman Trust Dtd 11/1/92	C/O Daniel D Newman Trustee 125 Elysian Dr Sedona, AZ 86336	1,428,037.34	29,522.35	-	29,522.35
10725-02051	1/11/2007	Carol Mortensen Family Trust Dtd 9/9/90	C/O Carol Mortense Ttee 4847 Damon Cir Salt Lake City, UT 84117	345,750.98	29,522.36	-	29,522.36
10725-02059	1/11/2007	Jack R Clark & Linda C Reid Jt Ten	9900 Wilbur May Pkwy #4701 Reno, NV 89521-3089	1,782,032.06	29,522.36	28,930.01	592.35
10725-02063	1/11/2007	Dery, James D & Ann R	Husband & Wife 10 Longmeadow Ln Beachwood, OH 44122	2,793,347.72	29,522.36	28,932.58	589.78

EXHIBIT A

2428013.1